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Ukraine

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. Local officials at times took sides in disputes between religious organizations, and property restitution problems remained; however, the government continued to facilitate the return of some communal properties.

There were reports of societal abuse and discrimination based on religious affiliation, belief, or practice, including cases of anti-Semitism and anti-Islamism. Various religious organizations continued their work to draw the government's attention to their issues, resolve differences between various denominations, and discuss relevant legislation.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights and raise concerns about religious discrimination. U.S. embassy representatives raised these concerns with government officials and promoted ethnic and religious tolerance through public outreach events.

Section I. Religious Demography

The country has an area of 233,000 square miles and a population of 45.7 million. The government estimates that there are 33,000 religious organizations representing 55 denominations in the country.

According to official government sources, Orthodox Christian organizations make up 52 percent of the country's religious groups. The Ukrainian Orthodox Church (Moscow Patriarchate, abbreviated as UOC-MP) is the largest group, with significant presence in all regions of the country except for the Ivano-Frankivsk, Lviv, and Ternopil oblasts (regions). The UOC-MP is officially registered as the Ukrainian Orthodox Church. The second largest Orthodox group is the Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC-KP), with most followers located in western and some central oblasts. The UOC-MP does not recognize the UOC-KP. The Ukrainian Autocephalous Orthodox Church (UAOC) is the smallest of the three Orthodox churches, with approximately 70 percent of its adherents in the western part of the country.

Adherents of the Ukrainian Greek Catholic Church (UGCC) constitute the country's largest non-Orthodox religious group and the largest one in the western part of the country. UGCC members number approximately four million, with 93 percent located in the western regions. While members of the three Orthodox churches comprise a majority of believers in the western part of the country overall, the Greek Catholic communities constitute a majority in three of the eight western oblasts: Lviv, Ivano-Frankivsk, and Ternopil.

Some Muslim leaders estimate there are two million Muslims in the country, although estimates by the government and independent think tanks put the number at 500,000. According to government figures, the majority are Crimean Tatars, numbering an estimated 300,000 and constituting the third-largest ethnic group in Crimea. The Crimean Tatars have their own governing council (Crimean Tatar Mejlis) and language (Crimean Tatar).

The Roman Catholic Church (RCC), with approximately one million adherents, is traditionally associated with citizens of Polish ancestry, who live mainly in the central and western regions.

According to the State Committee on Nationalities and Religions, 27 percent of the country's religious communities are Protestant. The Evangelical Baptist Union of Ukraine (the Baptist Union) is the largest Protestant group, claiming more than 300,000 members and more than 2,700 churches.

Other Protestant communities include Pentecostals, Seventh-day Adventists, Jehovah's Witnesses, Lutherans, Anglicans, Calvinists, Methodists, and Presbyterians. Other religious groups include Jews, members of The Church of Jesus Christ of Latter-day Saints (Mormons), Buddhists, and adherents of Krishna Consciousness.

An estimated 103,600 Jews live in the country, consisting of approximately 0.2 percent of the population, according to government census data and international Jewish groups; however, local Jewish leaders estimated the number of persons with an ethnic Jewish heritage to be as high as 370,000.

According to the International Social Survey Program opinion poll, carried out in December 2009 by the Kyiv International Institute of Sociology, Social Indicators Center and Kyiv-Mohyla Academy, almost 90 percent of respondents identified themselves with religious denominations, while about 10 percent declared themselves to be either atheists or agnostics.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors.

There is no formal state religion; however, in certain regions of the country, smaller religious groups complained of unequal treatment by local authorities. In some areas of the center and south, Roman Catholics, UGCC members, and Muslims made such complaints. Conversely, in some western regions, the UOC-MP complained that local authorities at times were reluctant to address its concerns.

In a keynote speech on May 13, 2010, President Viktor Yanukovych emphasized the government's commitment to equality of all religious groups and noninterference in church affairs.

The government observes the following religious holidays as national holidays: Christmas, Easter Monday, and Holy Trinity Day, all according to the Julian calendar shared by the Orthodox and Greek Catholic churches.

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The law allowed alternative nonmilitary service for conscientious objectors and banned the creation of religious organizations in military institutions and military units.

The law required religious groups to register either as a local or a national organization and to have at least 10 adult members to obtain the status of a "juridical entity." Registration was necessary to conduct many business activities, including publishing, banking, and property transactions. By law the registration process should take one month, or three months if the government requests an expert opinion on the group's legitimacy. Registration denials may be appealed in court. The Law on the Freedom of Conscience and Religious Organizations and the Law on the State Registration of Legal Entities and Private Individuals contained contradictory provisions complicating registration of religious organizations. In July 2009 the Cabinet of Ministers instructed the State Committee on Nationalities and Religions (SCNR), which conducts registration, together with the Justice Ministry to prepare proposals to streamline the registration process by eliminating contradictory provisions in the current legislation. Despite repeated calls by the All-Ukraine Council of Churches and Religious Organizations and nongovernmental organizations (NGOs), the matter was not resolved at the end of the reporting period.

The law provided no possibility for granting "legal entity" status to national religious associations.

The law restricted the activities of foreign-based religious organizations and narrowly defined the permissible activities of members of the clergy, preachers, teachers, and other noncitizen representatives of foreign-based religious organizations. However, there were no reports that the government used the law to limit the activity of such religious organizations. Religious worker visas required invitations from registered religious organizations in the country and government approval. According to the Law on the Freedom of Conscience and Religious Organizations, foreign religious workers may preach, administer religious ordinances, or practice other religious activities "only in those religious organizations that invited them to the country and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization."

On August 5, 2009, the Cabinet of Ministers issued a resolution facilitating registration procedures for foreign religious workers visiting the country. According to the government, as of January 2010 no visa applications by foreign religious workers were rejected.

While the law restricts the teaching of religion as part of the public school curriculum, a 2005 presidential decree sought to introduce "ethics of faith" training courses into the curriculum. The All-Ukraine Council of Churches and Religious Organizations continued to lobby the government to allow religious organizations to own and operate private educational institutions where, in addition to a secular curriculum, students would learn about religion.

On May 11, 2010, the parliament adopted legislative amendments increasing penalties for violations of the law on the protection of cultural heritage. Supporters believed that these increased penalties would act as a disincentive for damaging cultural heritage sites and would thus help religious groups preserve remaining sites.

On January 21, 2010, the parliament amended the penal code, banning racial, ethnic, religious, and other types of discrimination against inmates at penitentiary institutions.

On December 1, 2009, the president signed into law amendments to the criminal code that increased penalties for hate crimes. Accordingly, premeditated killing on grounds of racial, ethnic, or religious hatred carried a 10- to 15-year prison sentence. Parliament also established a fine from \$425 to \$1,060 (3,400 to 8,500 hryvnia) or up to five years in custody for hate crimes.

Restrictions on Religious Freedom

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. There were instances of local governments favoring one religious group over another or discriminating against a particular religious group.

The government cancelled a performance by Shen Yun Performing Arts, an organization that artistically presents Chinese culture through music and dance and speaks about the Chinese government's mistreatment of Falun Gong. The Chinese government banned the Falun Gong in 1999 and has been reportedly pressuring governments in Europe, North America, and Asia to cancel Shen Yun performances. The show was scheduled to take place in Odesa on May 28, 2010, but was cancelled, allegedly following pressure from the Ministry of Foreign Affairs on Odesa's local government.

The Spiritual Directorate of Muslims of Ukraine reported some difficulties with registering new religious communities in Crimea due to what it considered the political bias of some local authorities.

Mejlis members and Crimea-based human rights groups continued to criticize the Crimean government for permitting schools to use textbooks that contained inflammatory and historically inaccurate material about Crimean Tatar Muslims, despite government promises to address their concerns.

Crimean Tatars claimed discrimination by mainly ethnic Russian officials in Crimea who deprived them of employment in local administrations (ethnic Russians form a majority of the population in Crimea, which has autonomous status within the country). They also alleged propaganda campaigns, particularly by pro-Russian groups, promoted hostility against them among other inhabitants of Crimea. In the case of incidents involving Crimean Tatars, in which ethnicity and religion are often inextricably linked, it was difficult to categorize many incidents specifically as ethnic or religious intolerance.

Muslim representatives in Simferopol criticized the local city council for its refusal to allocate land for the construction of a new central mosque. On May 12, 2010, the High Economic Court of the Autonomous Republic of Crimea upheld in full the petition by the Spiritual Directorate of Crimean Muslims and ordered the municipal council to fulfill its earlier decision on land allocation for the mosque construction.

On June 4, 2010, the Kyiv District Administrative Court rejected an appeal by Susanna Ismailova against the official passport issuance guidelines that required applicants to have no head covering in their passport photographs. Ismailova insisted that the authorities allow her to wear a hijab in her passport photograph.

The Spiritual Directorate of Muslims of Ukraine complained that although the municipal government of Kyiv designated burial space for Muslims in a city cemetery, Christian burials had occurred on the designated land, and the Muslim community did not have adequate burial space.

Members of numerous communities described difficulties in dealing with the municipal administrations in Kyiv and other large cities such as Lviv to obtain land and building permits or to rent office space. These problems were not limited to

religious groups, however, and in many cases could be attributed to financial reasons rather than bias against a particular religious community.

UOC-KP representatives reported Kyiv's local government gave the UOC-MP more land for church construction than the UOC-KP received. In recent years according to UGCC representatives, local authorities in Kyiv were unwilling to allocate land plots to the church's congregations.

UOC-MP representatives in Lviv Oblast continued to complain that local governments in Stryi, Zhydachiv, Mykolayiv, and Pustomyty refused to allocate land for church construction. UOC-MP representatives in Ivano-Frankivsk Oblast stated that local authorities in Dolyna had not issued an approval to the parish of Saint John the Baptist for the construction of a church.

UOC-MP representatives complained that local government officials sided with the UOC-KP in a dispute over the ownership of a newly built UOC-MP church in Musorivtsi Village, Ternopil Oblast after the recent creation of a UOC-KP parish in the village. On January 3, 2010, UOC-KP radical supporters, including members of the far-right Svoboda party, stormed the building and injured several members of the UOC-MP parish. On January 15, a UOC-KP spokesman condemned Svoboda's violent interference, adding that the UOC-KP was determined to seek peaceful settlement of its disputes with the UOC-MP. In June 2010 the Ternopil Oblast State Administration facilitated resolution of the conflict by issuing a resolution to transfer an old church, formerly used by the village's UOC-MP parish, to the UOC-KP.

During the year some members of the Jewish community reiterated complaints that the Krakivsky market in Lviv was located on the grounds of an ancient Jewish cemetery and that periodic digging to erect kiosks disturbed the sanctity of the site. Concerns were also raised that the land, communally owned by the city, would be privatized, making protection of the cemetery more difficult. The city indicated that privatization was not envisioned and that it would move forward with plans to construct a memorial park on a section of the remaining undeveloped part of the cemetery. The city maintained it could not relocate the market because some of the buildings were private property.

UGCC representatives complained the Yalta Municipal Council refused to finalize the allocation of land for the construction of what would be the only Greek Catholic church in the city. They also reported reluctance of municipal governments in Kyiv, Kyiv Oblast, Horokhiv, Luhansk, Krasny Luch, Odesa, Poltava, Shatsk, Sumy, Simferopol, and Yevpatoriya to allocate land for church construction and attempts to suspend the construction of a UGCC church in Kharkiv.

According to the law, registered religious organizations maintained a privileged status as the only organizations permitted to seek restitution of communal property confiscated by the Soviet regime. Communities must apply to regional authorities for property restitution. While the law states that consideration of a restitution claim should be completed within a month, it frequently took much longer.

Restitution of communal property confiscated by the Soviet regime generally remained a problem. The slow pace of restitution was partly a reflection of the country's budgetary situation, which limited funds available to relocate occupants of seized religious property. In addition restitution claims for the Christian, Jewish, and Muslim communities were complicated by intracommunal competition for particular properties. The SCNR declared that the majority of buildings and objects have already been returned to religious organizations and that restitution of many remaining confiscated properties was complicated by the fact that they were occupied by state institutions, were historic landmarks, or had been transferred to private ownership. The SCNR cited a lack of government funding to help relocate the organizations occupying these buildings. The SCNR also noted that restitution claims frequently fell under the jurisdiction of local governments.

All major religious organizations called on the government to establish a transparent legal process to address restitution claims. The Cabinet of Ministers' interagency Commission to Realize the Rights of Religious Organizations, formed in 2008, continued its work to promote the government's dialogue with religious groups and address complex restitution issues. Pursuant to the November 26, 2009 recommendation of the commission, the SCNR is drafting a plan to return more than 150 houses of worship to religious organizations.

The All-Ukraine Council of Churches and Religious Organizations continued to call on parliament to impose a moratorium on the privatization and sale of previously confiscated religious buildings in state and communal ownership, but parliament did not adopt such legislation. The government also noted that the slow rate of construction of new houses of worship could not match a steady 2 to 3 percent annual increase in the number of religious communities.

The Karaite community in Kyiv continued to demand the return of a "kenesa" building (place of worship), used as the "Actor's House" since the Soviet era. According to the SCNR, the Kyiv Municipal Council had no intention of returning the property.

Representatives of the Religious Union for Progressive Jewish Congregations of Ukraine complained of continued property restitution difficulties with Uzhgorod, Odesa, and Kyiv municipal governments.

Jewish community leaders in Ternopil complained that the local government was reluctant to return one of the city's former Jewish prayer houses.

At the end of the reporting period, the government had not transferred ownership of Saint Nicholas' Cathedral or a former bishop's residence in Kyiv to the RCC; however, it permitted the church to use the cathedral for daily morning mass, on weekends, and during major religious holidays. Church representatives also expressed frustration regarding unrealized restitution claims of buildings formerly belonging to St. Oleksander's Church in Kyiv, which they stated were improperly privatized in the 1990s, as well as properties in Bila Tserkva, Lviv, Mykolayiv, Odesa, Sevastopol, Simferopol, and Uman.

The Roman Catholic Community in Dnipropetrovsk complained that a private company had illegally gained ownership of the Saint Joseph Church in 1998 and damaged it during a demolition project in 2008. They called for the government to facilitate return of the building to the community. On June 25, 2009, the Dnipropetrovsk Oblast Economic Court ordered the company to transfer the church building to the parish. According to parish representatives, the municipal government acted as the third party in the court proceedings, facilitating return of the church. On January 21, 2010, the Supreme Court of Ukraine reaffirmed that the parish was the legitimate owner of the Saint Joseph Church.

UGCC representatives said authorities in Lviv had not returned premises adjacent to Saint George's Cathedral. Local officials declared the government did not have the money to resettle more than a dozen families residing there since the Soviet era.

According to RCC representatives in Odesa, the government continued to refuse to facilitate the restitution of Odesa's Roman Catholic seminary, which was confiscated by the Soviet regime.

Representatives of the Muslim community noted the slow pace of communal property restitution. Muslim community leaders complained in particular about unresolved restitution claims involving a 118-year-old mosque in Mykolayiv, a famed mosque in Dnipropetrovsk, a 150-year-old mosque in the Crimean town of Masandra, and the ruins of an 18th-century mosque in the Crimean coastal city of Alushta.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements and Positive Developments in Respect for Religious Freedom

On November 25, 2009, the Cabinet of Ministers adopted a resolution exempting religious organizations from paying compensation for clearance of vegetation at the sites designated for the construction of places of worship and the auxiliary buildings required for their maintenance.

On September 3, 2009, the Cabinet of Ministers adopted a resolution reducing natural gas tariffs for religious organizations to the same level as housing sector tariffs.

Despite problems with property restitution, according to the SCNR, religious communities were granted either ownership or the right to use 182 premises (that is buildings or sections of buildings) in 2009. The premises were either originally designated as or later used as places of worship.

On May 15, 2010, the High Accreditation Commission of Ukraine included theology in the list of postgraduate dissertation disciplines as a branch of philosophy. Representatives of major religious denominations welcomed the decision, expressing hope that the government would make further steps toward full recognition of theology as an academic discipline.

The Civil Council for Cooperation between the Ministry of Science and Education and Churches and Religious Organizations discussed ways to enhance the ministry's dialogue with religious organizations, adopt legislative amendments, and grant full state recognition to theology as an academic discipline.

The SCNR, together with the Ministry of Foreign Affairs, Ministry of Internal Affairs, State Border Guard Committee, State Customs Service, State Committee for Tourism, and other agencies, cooperated to support Jewish pilgrimages to the burial site in Uman of Rabbi Nakhman, founder of the Bratslav Hasidic movement. According to the SCNR, more than 20,000 Hasidim from 23 countries traveled to Uman in September 2009. Growing numbers of Jewish pilgrims have been visiting burial sites of prominent spiritual leaders in Medzhybizh, Berdychiv, and Hadyach.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuse and discrimination based on religious affiliation, belief, or practice, including cases of anti-Semitism and anti-Islamism. During the reporting period, cemeteries, schools, and houses were vandalized with anti-Semitic graffiti.

In late April 2010, unidentified individuals painted anti-Semitic and antireligious symbols on gravestones at a Jewish cemetery in Ternopil. Jewish community representatives complained that the authorities did little to find the offenders.

In January 2010 unidentified individuals in Sudak, Crimea were reported to have passed out leaflets calling for genocide against Jews in the country. There were no further developments in regard to this incident at the end of the reporting

period.

On December 6, 2009, vandals smashed a glass door and windows of a Jewish school in Vinnytsya.

In November 2009 the prosecutor's office in Odesa opened a criminal case into alleged publication of anti-Semitic articles by ZUBR (For Ukraine, Belorussia, and Russia), a marginal radical organization. Members of the Odesa Jewish community called on the prosecutor's office to investigate the group, which had published the material in its newspaper, ZaZUBRina, and on its Web site. The investigation remained ongoing at the end of the reporting period.

On October 26, 2009, unidentified vandals splashed paint on the monument marking the Mykolayiv birthplace of prominent Rabbi Menachem Schneerson.

On September 13, 2009, Nazi symbols were painted on the front door of the Kyiv office of the Hebrew Immigrant Aid Society. At the end of the reporting period, local police were continuing to investigate the incident.

In late August 2009 unidentified attackers painted swastikas on the walls of the Jewish Charity Center in Melitopol. Local police did not find the offenders and described the incident as hooliganism.

On August 10, 2009, the prosecutor's office in Zakarpattia charged the mayor of Uzhhorod, Serhiy Ratushniak, with inciting ethnic hatred, hooliganism, and abuse of office after he allegedly used anti-Semitic rhetoric and attacked a campaign worker for a rival presidential candidate. Ratushniak, who was running as a marginal candidate in the 2010 presidential elections, was known for making racist and intolerant comments. Jewish leaders protested his registration as a candidate and welcomed politicians who criticized Ratushniak's statements.

In August 2009 a construction company demolished a chapel used by the German Evangelical Lutheran Church and the UGCC in Kherson. The company refused to implement a court ruling declaring the church a legitimate user of the land.

According to the Association of Jewish Organizations and Communities of Ukraine (VAAD), 46 anti-Semitic articles were published in major print media outlets in 2009, compared with 54 in 2008 and 542 in 2007. VAAD attributed the sharp decrease in anti-Semitic publications starting in 2008 to the curtailment of activity by the Academy of Personnel Management (MAUP) as a result of political, administrative, and social pressure from NGOs and the government. In previous years MAUP accounted for nearly 90 percent of all published anti-Semitic material.

Jewish community leaders in Kherson continued to complain that Serhiy Kyrychenko, a member of the city council, was spreading anti-Semitic propaganda. Kyrychenko made frequent appearances on the local radio show Vik, accusing Jews of robbing the Ukrainian people and plotting to enslave Ukrainians and exterminate Slavs. The authorities conducted expert examination of his publications and radio broadcasts to determine whether they could be officially described as hate speech. According to Jewish community leaders, in recent months Kyrychenko's anti-Semitic propaganda became more subtle.

On December 25, 2009, the District Administrative Court of Kyiv rejected Free Media Ukraine's appeal against the National Expert Commission on Public Morals' decision regarding a controversial publication in an issue of Blik newspaper. On September 1, 2008, Blik published a photo of a wooden sculpture of a crucified green frog holding a beer mug and an egg by German artist Martin Kippenberger that the commission decided offended Christians. The court rejected Free Media Ukraine's appeal after the publisher described the decision as an encroachment on the freedom of speech and expression.

On October 2, 2009, senior representatives of the UOC-MP and the UOC-KP initiated a dialogue to seek resolution of long-standing disputes. Both sides described the meeting as encouraging and voiced cautious optimism about the prospects for further talks.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government and religious leaders as part of its overall policy to promote human rights.

The U.S. ambassador, embassy officers, and officials in Washington maintained an ongoing dialogue with government and religious leaders and stayed in close contact with clerics, lay religious leaders, and NGOs that promoted religious freedom. The embassy tracked developments in religious freedom and cultural heritage preservation, including the status of Jewish cemeteries in Berdychiv, Lviv, Uman, Chortkiv, Kremenets, and Volodymyr-Volynsky, and monitored cases involving discrimination against Tatars in Crimea. U.S. government officials raised concerns over religious freedom and anti-Semitism with the Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs, and local officials. The ambassador and other embassy officers met with members of the Crimean Tatar community to hear their concerns.

Throughout the reporting period, the ambassador raised the broader topics of communal property restitution and cultural heritage preservation in meetings and correspondence with government officials at the highest levels. The embassy continued its contacts with local authorities in Lviv to inquire regarding complaints of hotel construction on the site of the city's former main synagogue (which was destroyed during the Holocaust), possible destruction of remaining historic buildings, and the status of the historic Jewish cemetery located on the grounds of the Krakivskiy Market in Lviv.

The ambassador met with leaders of major religious communities, and embassy officers met with religious leaders in Kyiv, Lviv, Dnipropetrovsk, and Crimea to better understand these communities' concerns.

In April 2010 the Special Envoy to Monitor and Combat Anti-Semitism, Hannah Rosenthal, met with government officials and Jewish community activists to discuss anti-Semitism and tolerance issues. She was told that in general anti-Semitic incidents were on the decline but that more work needed to be done to promote tolerance and understanding of religious and ethnic minorities in the country.

Embassy officers continued to maintain close contact not only with clerics but also with lay leaders in religious communities and representatives of faith-based social service organizations, such as Caritas, the American-Jewish Joint Distribution Committee, and the National Conference on Soviet Jewry. The embassy continued to intervene as necessary to defend foreign religious workers' rights to due process under the law.

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